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PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/613,793

Applicant(s)

OOSTERHOUSE, ROLAND R.

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Referring to claim 12, the feature "upwardly extending support" must be shown or canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 8 is objected to because of the following informalities: on line 2 “bunkers” is set forth but “bunk” was set forth in claim 7, line 6. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ostrand (US 5,292,145).

With respect to claim 1, referring to FIGS. 1-4 Ostrand discloses a dolly 10 having base frame 14,15, wheels 29,30, parallel bunks 35,36 which have an upper surface for support of a watercraft, support frame 41 having rollers 37,38, and a lift 60 which lifts the support frame 41 and rollers 37,38 above the bunks 35,36.

With respect to claim 2, referring to FIGS. 1-4 Ostrand discloses a support frame 41 having elongate structural member, col. 4, ln. 1-3, for supporting rollers 37,38.

With respect to claim 3, referring to FIG. 1 Ostrand discloses elongated structural members positioned between bunks 35,36. Col. 4, lns. 1-3.

With respect to claim 4, referring to FIGS. 1-3 Ostrand discloses a winch 71 secured to a base frame 14,15 and support frame 41.

5. Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Calkins et al. (US 3,104,770).

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With respect to claim 7, referring to FIGS. 1-7 Calkins et al. disclose a trailer for watercraft 9 including a frame 10,11,12,13,14, wheels 28,30, tongue 17, main support surface 49, bunks 50, openings for bunks, col. 2, Ins. 68-71, linkages 60 which connect bunks 50 to frame 10,11,12,13,14, col. 3, ln. 19-23, and a retainer 60, for holding bunks 50. Col. 3, ln. 28-34.

With respect to claim 8, referring to FIGS. 1-7 Calkins et al. disclose a pin 60 on bunk 50. It is noted that "on" comprises touching. In addition, Calkins et al. disclose an opening on main support 49.

With respect to claim 9, referring to FIGS. 1-7 Calkins et al. disclose a support surface 49, retainer opening 62 adjacent each elongated opening, col. 2, Ins. 68-71, and a pin 60 extending downward from bunks 50, to engage the retainer opening, securing the bunks 50 in a raised position. Col. 3, ln. 26-29.

With respect to claim 10, referring to FIGS. 1 Calkins et al. disclose a pair of rollers 100 aligned with bunks 50.

With respect to claim 11, referring to FIG. 1 Calkins et al. disclose a center roller 103 mounted to frame 10,11,12,13,14 between rollers 100.

With respect to claim 12, referring to FIG. 1 Calkins et al. disclose a main support surface 49 which defines a front edge and frame 10,11,12,13,14 which includes an upwardly extending support 21, and a winch 23. See also col. 2, ln. 33-35.

6. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Urbank (US 5,722,809). Urbank discloses a kit including a dolly 50 having a base frame 54, a pair of wheels 52, support frame 63,64, rollers 56,58,62 which are at about the same height

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as a pair of trailer bunks 63,64, and a trailer 10 having trailer frame 18, wheels 14, bunks 31 having a main support surface. The dolly 50 is maneuverable into a position such that raised rollers 56,58,62 are positioned to transfer a watercraft from a dolly 50 onto the bunks 31. It is noted that to facilitate is to make easier a task. The American Heritage® Dictionary of the English Language, Fourth Edition, Houghton Mifflin Company.

***Claim Rejections - 35 USC § 103***

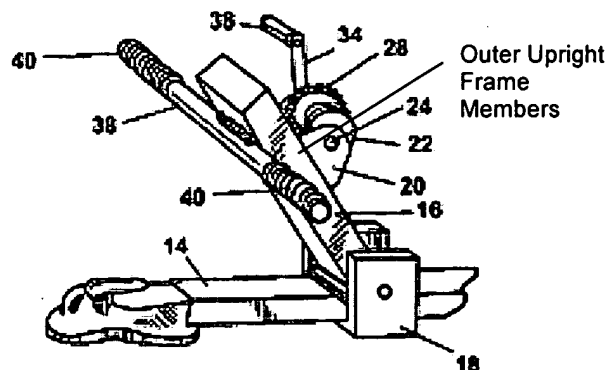
7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ostrand (US 5,292,145) as applied to claims 1-4 above, and further in view of Kelly (US 6,767,171). As noted above Ostrand '145 recites claims 1-4. Ostrand does not disclose a scissors jack. Kelly '171 discloses a lift including a scissors jack 7,8 for moving a support frame 13, and a handle 18 secured to the drive shaft. The scissor lift of Kelly '171 allows for the ramp to be selectively operated, col. 2, Ins. 18-29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the lift by Ostrand with a scissor lift, as taught by Kelly, to provide a selectively operated lift.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ostrand (US 5,292,145) in view of Kelly (US 6,767,171) as applied to claims 1-5 above, and

further in view of Kamminga (US 6,361,060). As noted above Ostrand and Kelly disclose a dolly with all the claims and limitations as recited in claims 1-5. Ostrand and Kelly do not teach a winch mounted on an upright member, or handle formed by an upright member for manual transport of the dolly. Kamminga discloses a dolly 10, base frame 42, upright member 16, winch 20, upright outer frame members as shown below, and a horizontal frame member 38 above the winch 20 to form a handle. Referring to FIG. 2 as shown below Kamminga teaches that a winch/handle combination allows positioning of a dolly under a watercraft such that a winch can charge a watercraft on to a dolly. Col. 1, Ins. 25-30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a winch and handle to a dolly of Ostrand and Kelly, as per the teachings of Kamminga, such that a dolly may be positioned under a watercraft for subsequent winching on to a dolly.



**Fig. 2**

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Urbank (US 5,722,809) as applied to claim 13 above, and further in view of Ostrand (US 5,292,145). As noted in claim 13 above Urbank '809 recites a dolly for supporting a

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watercraft. Urbank does not disclose a lift. Ostrand '145 discloses a dolly 10 for transporting a watercraft having a lift 60 connected to a base frame 14,15, and a support frame 41, the lift 60 moving a support frame 41. Ostrand teaches that raising and lowering the rollers facilitates loading and unloading the trailer via rollers and transportation via bunks. Col. 2, In. 18-22. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a lift to the dolly of Urbank, as per the teachings of Ostrand, such that the trailer can be loaded and unloaded via rollers, and a watercraft transported on the bunks.

11. Claim 15-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Urbank (US 5,722,809) in view of Ostrand (US 5,292,145) as applied to claims 13 and 14 above, and further in view of Kelly (US 6,767,171).

With respect to claim 15, Urbank and Ostrand disclose a dolly having a lift. Urbank and Ostrand do not disclose a lift comprising a scissors jack. Kelly '171 discloses a lift including a scissors jack 7,8 for moving a support frame 13 including a handle 18 secured to a drive shaft. Kelly teaches that a scissor jack is required to raise recreational vehicle enabling transfer of a watercraft from dolly to trailer. Col. 1, In. 15-20. Further, Kelly teaches that scissor jacks are an improvement over pneumatic cylinder arrangements or winches because those lifts are respectively neither selectively operable, col. 1, In. 50, nor mounted on a dolly. Col. 2, In. 7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dolly lift of Urbank and Ostrand to include a scissors jack, as per the

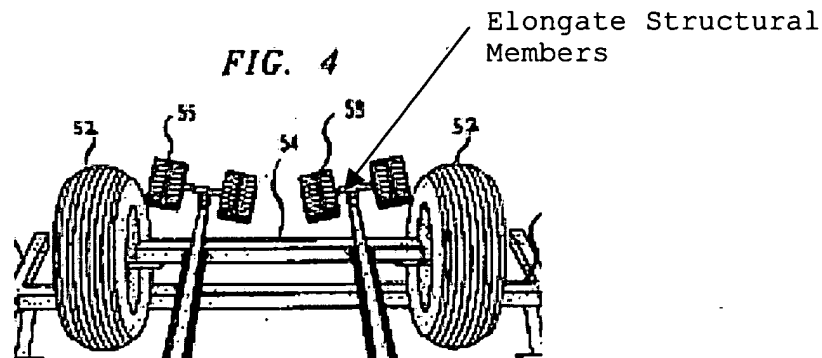


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teachings of Kelly, such that a selectively operable lift mounted to the dolly loads and unloads a recreational vehicle.

With respect to claim 16, referring to FIG. 4 Urbank discloses a dolly 50 having a base frame 54, support frame 63,64, and a plurality of rollers 58 secured to the support frame.

With respect to claim 17, as noted above Urbank, Ostrand and Kelly recite claims 13-16. Referring to FIG. 4 Urbank discloses elongated structural members positioned between bunks 63,64. [See figure below.] It is noted that Urbank does not limit the elongate structural members to between bunks 63,64.



With respect to claim 18, as noted above Urbank, Ostrand and Kelly recite claims 13-17. Urbank does not disclose a winch. Ostrand '145 discloses a winch 71 on a base frame 14,15 and a support frame 41. Within the art of trailering watercraft winches are commonly for hoisting a watercraft to a trailer. See cited prior art Hawkins winch 78 (US 4,895,387), Cooper, col. 3, ln. 31 (US 4,781,392), Hofgren winch 24 (US 4,754,988), Sprague winch 74 (US 4,623,161) as examples. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dolly

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of Urbank to add a winch, as per the teachings of Ostrand, such that a watercraft may be hoisted on to a trailer.

12. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urbank (US 5,722,809) as applied to claim 13 above, and further in view of Calkins et al. (US 3,104,770).

With respect to claim 19, as noted above Urbank recites claim 13. Urbank does not disclose a linkage for interconnecting the bunks to the frame. Referring to FIGS. 1-7 Calkins et al. disclose a trailer for watercraft 9 with movable bunks 50. Col. 3, ln. 28-34. Calkins et al. teach that movable bunks facilitate loading and unloading of the trailer. Col. 1, ln. 25-30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the kit of Urbank to provide movable bunks, as per the teachings of Calkins et al., such that a watercraft is loadable on to a trailer.

With respect to claim 20, Urbank does not disclose a linkage connecting the bunks to the frame. Calkins et al. disclose linkages 60, which connect bunks 50 to frame 10,11,12,13,14, col. 3, ln. 19-23. Calkins et al. teach that a linkage is required to lift the bunks 50. Col. 3, ln. 24-25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the kit of Urbank to provide a linkage as per the teachings of Calkins et al., such that the bunks would lift.

With respect to claim 21, Urbank does not disclose a retainer. Calkins et al. disclose a retainer 63, for holding up bunks 50. Col. 3, ln. 28-34. Calkins et al. teach that a retainer is preferable for easy of fastening and unfastening while securing bunks

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50 in a lifted position. Col. 3, ln. 33-40. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the kit of Urbank to provide a retainer of Calkins et al., such that the bunk would be held in a lifted position.

**Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 4,895,387 to Hawkins

US 4,781,392 to Cooper

US 4,754,988 to Hofgren

US 4,623,161 to Sprague

US 4,011,958 to Carrick


US 2003/0147732 to Bellis

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA

  
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